HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.20129 of 1997

Dated 12th Day of February, 2007

Between:

Gunji Peda Guravaiah
and 23 others ..
Petitioners

And

The District Forest Officer
and four others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to direct the respondents not to interfere with the possession and enjoyment of the petitioners' houses in S.No.375 situated in Sangham Village, Nellore District.

The brief facts of the case are that the petitioners are agricultural labourers and each of them constructed a thatched house in 18 Ankanams in S.No.375 situated in Sangham Village, Nellore District and they have been in possession of them for more than 20 years. The Mandal Revenue Officer issued certificates to six of the petitioners about their possession of thatched houses. The grievance of the petitioners is that the Forest Officer came to them and asked them to remove their houses on the ground that they are located in the forest land.

Heard the learned counsel for the petitioners and the learned Government Pleader for Forest.

It is clear that the petitioners have been in occupation of the houses in question for more than 20 years and either the forest officials or the revenue official have not found fault with those encroachments. In fact, the revenue authorities also gave certificates stating that they are entitled to raise permanent constructions in the lands in which they are residing. All this clearly establishes that though the petitioners, as a matter of right, cannot claim title over the lands by virtue of their long possession, it appears to the mind of this Court that *prima facie* they

are entitled to grant of pattas. However, as it is the land belonging to the Forest Department and there is a prescribed procedure to be followed for eviction of any encroacher, this Court deems it appropriate to direct the revenue authorities concerned to follow the procedure prescribed under law for eviction. If the petitioners establish their *bona fide* possession and as the revenue authorities also issued eligibility certificates, the authorities may regularize their unauthorized occupation keeping in mind the guidelines issued by this Court.

Accordingly, this writ petition is disposed. No costs.

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12.02.2007

bcj